A JOINT RESOLUTION

1   proposing a constitutional amendment relating to the qualifications

2   for office of certain justices and judges.

3   BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4   SECTION 1. Article V, Sections 2 and 7, of the Texas

5   Constitution are amended to read as follows:

6   Sec. 2. The Supreme Court shall consist of the Chief Justice

7   and eight Justices, any five of whom shall constitute a quorum, and

8   the concurrence of five shall be necessary to a decision of a case;

9   provided, that when the business of the court may require, the

10   court may sit in sections as designated by the court to hear

11   argument of causes and to consider applications for writs of error

12   or other preliminary matters. No person shall be eligible to serve

13   in the office of Chief Justice or Justice of the Supreme Court

14   unless the person has been [is] licensed to practice law in this

15   state for at least the twelve years immediately preceding election

16   or appointment and is, at the time of election, a citizen of the

17   United States and of this state, and has attained the age of

18   thirty-five years, and has been a practicing lawyer, or a lawyer

19   and judge of a court of record together at least ten years. Said

20   Justices shall be elected (three of them each two years) by the

21   qualified voters of the state at a general election; shall hold

22   their offices six years, or until their successors are elected and

23   qualified; and shall each receive such compensation as shall be

24   provided by law. In case of a vacancy in the office of the Chief

1 Justice or any Justice of the Supreme Court, the Governor shall

2 fill the vacancy until the next general election for state

3 officers, and at such general election the vacancy for the

4 unexpired term shall be filled by election by the qualified voters

5 of the state. [The--Justices-of-the-Supreme-Court-who-may-be-in

6 office-at-the-time-this-amendment-takes-effect--shall--continue--in

7 office--until--the--expiration--of--their--term-of-office-under-the

8 present-Constitution,-and-until-their-successors--are--elected--and

9 qualified.]

10   Sec. 7. (a) The State shall be divided into judicial

11 districts, with each district having one or more Judges as may be

12 provided by law or by this Constitution. Each district judge shall

13 be elected by the qualified voters at a General Election and shall

14 be a citizen of the United States and of this State, who is

15 licensed to practice law in this State and has been a practicing

16 lawyer or a Judge of a Court in this State, or both combined, for

17 four (4) years next preceding his election, who has resided in the

18 district in which he was elected for two (2) years next preceding

19 his election, and who shall reside in his district during his term

20 of office and hold his office for the period of four (4) years, and

21 who shall receive for his services an annual salary to be fixed by

22 the Legislature.   The Court shall conduct its proceedings at the

23 county seat of the county in which the case is pending, except as

24 otherwise provided by law. He shall hold the regular terms of his

25 Court at the County Seat of each County in his district in such

26 manner as may be prescribed by law. The Legislature shall have

27 power by General or Special Laws to make such provisions concerning

1   the terms or sessions of each Court as it may deem necessary.

2   (b) In addition to the qualifications for office in

3   Subsection (a) of this section, a Judge of a judicial district that

4   has a population of 100,000 or more according to the most recent

5   federal decennial census must have been licensed to practice law in

6   this State for at least the ten (10) years immediately preceding

7   election or appointment. A publication of a federal decennial

8   census does not affect the term of the Judge elected before the

9   publication of the census, and that Judge, unless otherwise removed

10   from office, serves for the term to which elected.

11   (c) The Legislature shall also provide for the holding of

12   District Court when the Judge thereof is absent, or is from any

13   cause disabled or disqualified from presiding.

14   SECTION 2. The following temporary provision is added to the

15   Texas Constitution:

16   TEMPORARY PROVISION.   (a) This temporary provision applies

17   to the constitutional amendment proposed by the 71st Legislature,

18   Regular Session, 1989, relating to the qualifications for office of

19   certain justices and judges.

20   (b) The constitutional amendment applies to terms of office

21   of justices and judges elected on or after November 6, 1990.

22   (c) The constitutional amendment does not affect the terms

23   of office of justices or judges elected before November 6, 1990.

24   Those judges, unless otherwise removed, serve for the term to which

25   elected.

26   (d) This provision expires January 1, 1991.

27   SECTION 3. This proposed constitutional amendment shall be

1   submitted to the voters at an election to be held on November 7,

2   1989. The ballot shall be printed to provide for voting for or

3   against the proposition: "The constitutional amendment requiring

4   that a person elected or appointed as a judge in a populous

5   district must have been licensed to practice law for at least 10

6   years, and that a person elected or appointed as an appellate judge

7   or justice must have been licensed to practice law for at least 12

8   years."

H. J. R. No. __35__   By __Wohlwend__

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the qualifications
for office of certain justices and judges.

__JAN 1 1 1989__ 1. Filed with the Chief Clerk.

__JAN 2 6 1989__ 2. Read first time and referred to Committee on

__Judicial Affairs__

_____ 3. Reported favorably (as amended) (as substituted) and sent to Printer at _____

_____ 4. Printed and distributed at _____

_____ 5. Sent to Committee on Calendars at _____

_____ 6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

_____ 7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

_____ 9. Caption ordered amended to conform to body of resolution.

_____ 10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 11. Ordered Engrossed at _____

_____ 12. Engrossed.

_____ 13. Returned to Chief Clerk at _____

_____ 14. Sent to the Senate.

_____
Chief Clerk of the House

_____ 15. Received from the House

_____ 16. Read, referred to Committee on _____

_____ 17. Reported favorably

_____ 18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ 19. Ordered not printed.

_____ 20. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 22. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by

(a viva voce vote.)

(_____ yeas, _____, nays.)

OTHER ACTION: OTHER ACTION:

_____

Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.) (as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____